

AMENDED IN SENATE APRIL 27, 1999

AMENDED IN SENATE APRIL 12, 1999

SENATE BILL

No. 1084

Introduced by Senator Mountjoy
(Coauthor: Senator Knight)
(Coauthor: Assembly Member Robert Pacheco)

February 26, 1999

An act to add Sections 21208 and 21678.5 to the Public Utilities Code, and to amend Section 7102 of the Revenue and Taxation Code, relating to aviation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1084, as amended, Mountjoy. Airports.

Under existing law, the Department of Transportation proposes and the California Transportation Commission adopts and submits to the Legislature each year a state transportation improvement program. Under existing law, the department is required to reimburse a political subdivision for the eligible costs of an airport noise mitigation project undertaken after the project has been included in the state transportation improvement program and prior to funding that project through the program out of funds provided therefor in the program, subject to specified conditions and limitations.

Existing law also requires that an amount equal to all revenues, less refunds, derived from sales and use tax revenue collected on gasoline and alternative fuels, be transferred to the Transportation Planning and Development Account, a

trust fund in the State Transportation Fund. The Clean Air and Transportation Improvement Act of 1990, an initiative measure that added this provision, requires amendments to the act to be passed by a $\frac{2}{3}$ vote of both houses of the Legislature.

This bill would require all revenues, less refunds, derived from the rate of sales tax imposed on aircraft jet fuel to be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and transferred quarterly to the Aeronautics Account in the State Transportation Fund. Under existing law, as indicated above, the bill would require a $\frac{2}{3}$ vote for passage. This bill would specify that, in addition to any other provision of law, the department shall use these moneys transferred to the Aeronautics Account to provide financial assistance to airports to develop and implement noise mitigation measures and to reimburse airport land use commissions for the cost of ~~comprehensive land use~~ *specified noise avoidance* plans.

The bill also would require the department to reimburse airport land use commissions for the costs of other specified activities.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21208 is added to the Public
- 2 Utilities Code, to read:
- 3 21208. In addition to any other provision of law, from
- 4 sales taxes imposed on aircraft jet fuel and transferred to
- 5 the Aeronautics Account pursuant to paragraph (11) of
- 6 subdivision (a) of Section 7102 of the Revenue and
- 7 Taxation Code, the department shall provide financial
- 8 assistance to airports to develop and implement noise
- 9 mitigation measures and to reimburse airport land use
- 10 commissions for the costs of ~~comprehensive land use~~
- 11 *noise avoidance* plans pursuant to Section 21678.5.
- 12 SEC. 2. Section 21678.5 is added to the Public Utilities
- 13 Code, to read:



21678.5. The department shall reimburse a commission for the costs of all of the following activities:

(a) Project review.

(b) The preparation and revision of ~~comprehensive~~ *land-use noise avoidance* plans.

SEC. 3. Section 7102 of the Revenue and Taxation Code is amended to read:

7102. The money in the fund shall, upon order of the Controller, be drawn therefrom for refunds under this part, credits or refunds pursuant to Section 60202, and refunds pursuant to Section 1793.25 of the Civil Code, or be transferred in the following manner:

(a) (1) All revenues, less refunds, derived under this part at the 4 ³/₄-percent rate, including the imposition of sales and use taxes with respect to the sale, storage, use, or other consumption of motor vehicle fuel which would not have been received if the sales and use tax rate had been 5 percent and if motor vehicle fuel, as defined for purposes of the Motor Vehicle Fuel License Tax Law (Part 2 (commencing with Section 7301)), had been exempt from sales and use taxes, shall be estimated by the State Board of Equalization, with the concurrence of the Department of Finance, and shall be transferred quarterly to the Transportation Planning and Development Account, a trust fund in the State Transportation Fund.

(2) All revenues, less refunds, derived under this part at the 4 ³/₄-percent rate, resulting from increasing after December 31, 1989, the rate of tax imposed pursuant to the Motor Vehicle Fuel License Tax Law on motor vehicle fuel, as defined for purposes of that law, shall be transferred quarterly to the Transportation Planning and Development Account, a trust fund in the State Transportation Fund.

(3) All revenues, less refunds, derived under this part at the 4 ³/₄-percent rate from the imposition of sales and use taxes on fuel, as defined for purposes of the Use Fuel Tax Law (Part 3 (commencing with Section 8601)) and the Diesel Fuel Tax Law (Part 31 (commencing with Section 60001)), shall be estimated by the State Board of

1 Equalization, with the concurrence of the Department of
2 Finance, and shall be transferred quarterly to the
3 Transportation Planning and Development Account, a
4 trust fund in the State Transportation Fund.

5 (4) All revenues, less refunds, derived under this part
6 from a rate of more than 4 ³/₄ percent pursuant to
7 Sections 6051.1 and 6201.1 for the period December 1,
8 1989, to June 5, 1990, inclusive, shall be transferred to the
9 Disaster Relief Fund created by Section 16419 of the
10 Government Code.

11 (5) All revenues, less refunds, derived under this part
12 from a rate of more than 4 ³/₄ percent pursuant to
13 Sections 6051.1 and 6201.1 for the period June 6, 1990, to
14 December 31, 1990, inclusive, which is attributable to the
15 imposition of sales and use taxes with respect to the sale,
16 storage, use, or other consumption of tangible personal
17 property other than fuel, as defined for purposes of the
18 Use Fuel Tax Law (Part 3 (commencing with Section
19 8601)), shall be transferred to the Disaster Relief Fund
20 created by Section 16419 of the Government Code.

21 (6) All revenues, less refunds, derived under this part
22 from a rate of more than 4 ³/₄ percent pursuant to
23 Sections 6051.1 and 6201.1 for the period June 6, 1990, to
24 December 31, 1990, inclusive, which is attributable to the
25 imposition of sales and use taxes with respect to the sale,
26 storage, use, or other consumption of fuel, as defined for
27 purposes of the Use Fuel Tax Law (Part 3 (commencing
28 with Section 8601)), shall be transferred to the Disaster
29 Relief Fund created by Section 16419 of the Government
30 Code.

31 (7) All revenues, less refunds, derived under this part
32 from the taxes imposed pursuant to Sections 6051.2 and
33 6201.2 shall be transferred to the Sales Tax Account of the
34 Local Revenue Fund for allocation to cities and counties
35 as prescribed by statute.

36 (8) All revenues, less refunds, derived under this part
37 from the taxes imposed pursuant to Sections 6051.6 and
38 6201.6 shall be transferred to the Interim Public Safety
39 Account in the Local Public Safety Fund created in

1 Section 30051 of the Government Code for allocation to
2 counties as prescribed by statute.

3 (9) All revenues, less refunds, derived from the taxes
4 imposed pursuant to Section 35 of Article XIII of the
5 California Constitution shall be transferred to the Public
6 Safety Account in the Local Public Safety Fund created
7 in Section 30051 of the Government Code for allocation
8 to counties as prescribed by statute.

9 (10) An amount equal to all revenues, less refunds,
10 derived under this part at a 4 ³/₄-percent rate for the
11 period between January 1, 1994, and July 1, 1994, from the
12 increase in sales and use tax revenue attributable to the
13 increase in the rate of the federal motor vehicle fuel tax
14 between January 1, 1993, and the rate in effect on January
15 1, 1994, shall be estimated by the State Board of
16 Equalization, with the concurrence of the Department of
17 Finance, and an amount equal to that amount, but not
18 exceeding seven million five hundred thousand dollars
19 (\$7,500,000) shall be transferred from the Retail Sales Tax
20 Fund to the Small Business Expansion Fund created by
21 Article 5 (commencing with Section 14030) of Chapter 1
22 of Part 5 of Division 3 of Title 1 of the Corporations Code.

23 (11) All revenues, less refunds, derived under this part
24 at a 4 ³/₄-percent rate, resulting from the rate of sales tax
25 imposed on aircraft jet fuel pursuant to Article 1
26 (commencing with Section 6051) of Chapter 2, shall be
27 estimated by the State Board of Equalization, with the
28 concurrence of the Department of Finance, and shall be
29 transferred quarterly to the Aeronautics Account in the
30 State Transportation Fund.

31 (b) The balance shall be transferred to the General
32 Fund.

33 (c) The estimates required by subdivision (a) shall be
34 based on taxable transactions occurring during a calendar
35 year, and the transfers required by subdivision (a) shall
36 be made during the fiscal year that commences during
37 that same calendar year. Transfers required by
38 paragraphs (1), (2), and (3) of subdivision (a) shall be
39 made quarterly.

1 (d) Notwithstanding the designation of the
2 Transportation Planning and Development Account as a
3 trust fund pursuant to subdivision (a), the Controller may
4 use the Transportation Planning and Development
5 Account for loans to the General Fund as provided in
6 Sections 16310 and 16381 of the Government Code. The
7 loans shall be repaid with interest from the General Fund
8 at the Pooled Money Investment Account rate.

9 (e) The Legislature may amend this section, by statute
10 passed in each house of the Legislature by rollcall vote
11 entered in the journal, two-thirds of the membership
12 concurring, if the statute is consistent with, and furthers
13 the purposes of this section.

